

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SPIRIT AIRLINES, INC.,

Plaintiff,

vs.

CASE NO. 07-341 (SLR)

24/7 REAL MEDIA, INC., ADVERTISING.COM,
INC., AMERICA ONLINE, INC. DBA AOL,
BURST MEDIA CORPORATION,
CARROLLTON BANK, CHEAPFLIGHTS
(USA), INC., ECHO TARGET, INC., HOTWIRE,
INC., INTERCEPT INTERACTIVE, INC.,
PRICELINE.COM, LLC, RACKSPACE, LTD.,
SHERMANS TRAVEL, INC., SIDESTEP, INC.,
SMARTER LIVING, INC., SPECIFICMEDIA,
INC., TRAVEL MARKETING GROUP, INC.,
TRAVELZOO, INC., TRIBAL FUSION, INC.,
TRIPADVISOR LLC, VALUECLICK, INC., and
THE WEATHER CHANNEL INTERACTIVE,
INC.,

MOTION FOR DEFAULT JUDGMENT

NOW COMES Plaintiff, Spirit Airlines, Inc. ("Spirit"), by and through its undersigned attorneys, hereby requests that this Court enter a judgment by default against Defendant Shermans Travel, Inc. ("Shermans Travel") pursuant to Rule 55, Federal Rules of Civil Procedure. In support of its motion, Spirit respectfully submits the following:

1. On March 21, 2007, Spirit filed the Complaint For Interpleader in the United States District Court For The Southern District of Florida, C.A. No. 07-60399 seeking judgment against the above named Defendants, including Shermans Travel ("Complaint").

2. This matter was transferred to this Court pursuant to the Ordering Transferring Case dated May 21, 2007. The Record of the Case was docketed in this Court on May 29, 2007

[Docket Item #56]. The Complaint was also docketed in this case on May 29, 2007 [Docket Item #56].

3. Service of the Complaint was attempted on Shermans Travel's registered agent, James Sherman, on April 5, 2007; April 10, 2007; April 12, 2007; April 16, 2007; April 19, 2007; April 23, 2007; April 25, 2007; April 30, 2007; May 3, 2007; May 8, 2007; and May 12, 2007. On May 15, 2007, the process server, Bryan E. Mcelderry, executed an affidavit of due diligence detailing his efforts to serve James Sherman. A copy of the affidavit of due diligence is attached as Exhibit A.

4. On June 13, 2007, service of the Complaint was effectuated upon Shermans Travel's general agent, Tanya Diaz.

5. A copy of the summons and the return of service of process was filed with this Court on July 20, 2007 [Docket Item #119].

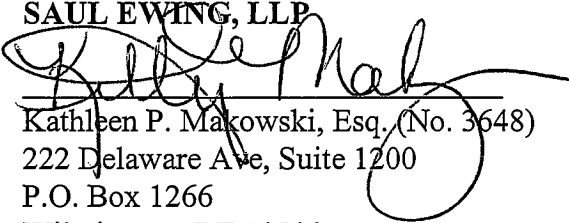
6. More than 30 days have elapsed since Shermans Travel was required to file a responsive pleading.

7. As of the date of this Motion, Shermans Travel has failed to file an Answer or otherwise plead to the Complaint.

WHEREFORE, Spirit respectfully requests that the Court enter an order as follows:

- (1) Granting judgment against Shermans Travel and declaring that Shermans Travel has no claim, right, title or interest in or to the interpleaded funds.
- (2) Discharging Spirit from any liability to Shermans Travel with respect to the interpleaded funds.
- (3) Restraining Shermans Travel from instituting or prosecuting, in any other state or federal court, any proceeding against Spirit with respect to the interpleaded funds.

Dated: July 25, 2007

By: **SAUL EWING, LLP**

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